

## ARTICLE II PROCEDURE FOR REVIEW AND APPROVAL OF MINOR SUBDIVISION PLATS

### Section II-1 Plat shall be Required on any Subdivision of Land

Pursuant to G.S. 153A-330, a final plat shall be prepared, approved, and recorded pursuant to the provisions of this ordinance whenever any subdivision of land takes place in Brunswick County.

### Section II-2 Approval Prerequisite to Plat Recordation

Pursuant to G.S. 153A-331, no final plat of a subdivision within the jurisdiction of Brunswick County as established in Chapter 3, Section I-4 of this ordinance shall be recorded by the Register of Deeds of Brunswick County until it has been approved by the Planning Director or his designee or by the County Planning Board as provided herein. To secure such approval of a final plat, the subdivider shall follow the procedures established in this article.

### Section II-3 Minor Subdivision Procedures

In an effort to simplify and condense the review process for small tracts of land, minor subdivision of land shall comply with the following procedures and only require that a final plat be submitted for approval.

- 3.1. Minor Subdivision: Division of a tract of land into not more than 5 lots and meeting the following standards:
  - A. On a shared access easement, if not more than 5 lots are served, the access must be 45' in width.
  - B. Extension of public water or sewer shall be in accordance with the County's current Water Utility Policy.
  - C. No more than five (5) residences shall be platted.
  - D. The subdivision shall not be in conflict with the County's Land Use Plan.
- 3.2 Prior to submitting a final plat, the subdivider, or his agent, shall discuss his subdivision with the Planning Director or his designee to ensure that the proposed subdivision qualifies as a minor subdivision and that the subdivider understands the requirements and procedures necessary to gain final approval of the subdivision.
- 3.3 The final plat for a minor subdivision shall be prepared by a Professional Land Surveyor licensed and registered to practice in North Carolina, and drawn at a scale of one hundred (100) feet to one (1) inch or larger, and eighteen (18) inches by twenty-four (24) inches, suitable for recording in the Register of Deeds Office and in conformance of G.S. 47-30, as amended.

- 3.4 The subdivider shall submit three (3) paper print copies and one (1) final plat suitable for reproduction, to the Planning Director or his designee. This final minor subdivision plat shall be accompanied by a fee of \$25 payable to Brunswick County.
- 3.5 The final plat for a minor subdivision shall show at a minimum:
- A. The name of the subdivision.
  - B. The lines and names of all streets and roads.
  - C. Lot lines and lot numbers, numbered consecutively.
  - D. Minimum building setback lines.
  - E. Reservations and easements.
  - F. All dimensions should be to the nearest one-hundredth (100) of a foot and angles to the nearest minute.
  - G. Accurate location and description of all monuments and stakes.
  - H. The names and locations of adjoining subdivisions and streets, and the location and ownership of adjoining property.
  - I. Title, date, name, and location of subdivision, graphic scale, and magnetic north point.
  - J. Name of owner and professional surveyor or professional engineer and professional surveyor and professional engineer's address. Rev.02/06/06
  - K. Sketch vicinity map showing relationship between subdivision and surrounding area with S.R. numbers.
  - L. Proposed deed restrictions or similar covenants, if any, be attached.
  - M. If disturbing more than an acre of land, an erosion and sedimentation control plan in compliance with state and local ordinances must be attached.
  - N. The ratio of precision as calculated by latitudes and departures before any adjustments, must be shown.
  - O. Indicate whether roads will be public and DOT maintained or private with a private road maintenance agreement.
  - P. A Traffic Impact Analysis (TIA) must be completed prior to the submittal of any preliminary plan that will generate more than one hundred (100) vehicle trips during the peak hour or one thousand (1000) total new daily trips based on most recent trip generation rates by the Institute of Traffic Engineers (ITE). The TIA shall be prepared in accordance with scoping standards and guidelines set forth by the North Carolina Department of Transportation (NCDOT) and Brunswick County. Rev. 06/05/06
  - Q. Other information considered necessary by the planning staff.
  - R. When any new private road or easement is created, the following road requirements shall be met:

Type I private road or easement serving no more than five (5) lots (as defined in Article I, Section I-11), whether existing lots or new lots, or combination of the same, shall meet the following standards:

1. Must comply with minimum N.C. Department of Transportation, right-of-way standards for width and centerline radius.
2. Shall be dedicated to a homeowner association, and comply with the following, prior to approval of the final plat:
  - a. The property owners association shall be established before the lots are sold.
  - b. Membership in the association shall be mandatory for each lot buyer and all successive buyers.
  - c. The association shall be responsible for the maintenance and upkeep of the private street or road.
  - d. Any sums levied by the association that remain unpaid shall become a lien on the individual owner's property which shall be subordinate to tax and mortgage liens.
  - e. Owners of each lot shall have voting rights in the association.
  - f. The following information shall also be provided:
    - (1) The name and address of the association.
    - (2) The manner in which directors of the association are to be selected.
    - (3) The post office address of the initial registered office.
    - (4) The name of the city and county in which the registered office is located.
    - (5) The number of director's constituting the initial board of directors.

S. The following certificates, where applicable, shall be placed on the final plat:

1. I (We),\_\_\_\_\_ hereby certify that I am (we are) the owners of the property shown and described hereon which was conveyed to me (us) by deed recorded in Book \_\_\_\_, Page\_\_\_\_, and that I (we) hereby adopt this plan of subdivision with my (our) free consent, establish the minimum building lines, and dedicate all drainage ways and other open space to public or private use as noted. Further, I (we) certify) that the land as shown hereon is within the subdivision regulation jurisdiction of Brunswick County.

\_\_\_\_\_  
Owner(s)

\_\_\_\_\_  
Date

2. I, \_\_\_\_\_, certify that this plat was drawn under my supervision from (an actual survey made under my supervision) (deed description recorded in Book\_\_\_\_, Page\_\_\_\_, etc.) (other); that the boundaries not surveyed are shown as broken lines plotted from information found in Book\_\_\_\_, Page\_\_\_\_, that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, registration number, and seal this \_\_\_\_\_ day of \_\_\_\_\_ (month), \_\_\_\_\_ (year).

\_\_\_\_\_  
Surveyor

\_\_\_\_\_  
Registration Number

3. I hereby certify that the subdivision plat shown hereon has been found to comply with the Subdivision Regulations of Brunswick County, with all variances noted in the minutes of the Brunswick County Planning Board, that all easements, shown hereon, are accepted by Brunswick County, subject to approval by the N.C. Department of Transportation which assumes no responsibility to open or maintain the same, and that this map has been approved for recording in the office of the Register of Deeds.

\_\_\_\_\_  
Planning Director or Designee/Date

Approval expires if not recorded on or before \_\_\_\_\_ (date) and must be submitted for reapproval.

4. I, \_\_\_\_\_, Registered or Professional Land Surveyor, certify to one or more of the following:
- a. That the survey creates a subdivision of land within the are of a county or municipality that has an ordinance that regulates parcels of land;
  - b. That the survey is of an existing parcel or parcels of land;
  - c. That the survey is of another category, such as recombination of existing parcels, a court-ordered survey, or other exception to the definition of subdivision;
  - d. That the information to the surveyor is such that the surveyor is unable to make a determination to the best of his/her professional ability as to provisions contained in (a) through (c) above.

\_\_\_\_\_  
Registered or Professional Land Surveyor

- 3.6 Within thirty (30) days of submission, the final plat shall be reviewed by the Planning Director or his designee.
- 3.7 If the final plat for a minor subdivision is in compliance with the ordinance, the Planning Director or his designee shall approve the final plat.
- A. Approval of the final plat is authorization for the plat to be filed with the Register of Deeds. Any final plat shall be recorded with the Register of Deeds, within six (6) months from the date of approval, by the Planning Director or his designee. If the final plat is not recorded within this period, it shall expire. The plat may be resubmitted for review and it shall be reviewed against the ordinance in effect at that time.
  - B. This approval shall be noted on the original and two copies of the final plat. The approval shall be returned to the subdivider, one (1) copy shall be transmitted to the Environmental Health Section of the Brunswick County Health Department, and one (1) copy shall be retained for the files of the Planning Board. The subdivider shall return a copy of the recorded plat to the Planning Department within five (5) days of recordation.
  - C. No final plat for a minor subdivision shall be approved until it meets the requirements set forth, all required fees have been paid, and certificates required by this ordinance to appear on a final plat have been properly filled out, dated, and signed.
- 3.8 If the final plat is not in compliance with these regulations, the reasons for non compliance and conditions to be met before the Planning Director or his designee will approve the final plat, shall be noted on two (2) copies of the proposed final plat. One (1) copy shall be returned to the subdivider and one (1) copy shall be retained by the Planning Director.

If the final plat for a minor subdivision is denied by the Planning Director, the applicant may appeal the decision to the Planning Board. The applicant shall notify the Administrator in writing of his/her intent to appeal, within thirty (30) days of the denial. The Planning Director will place the appeal on the next available Planning Board agenda. If the final plat is denied by the Planning Board, the applicant may appeal to the Board of Commissioners. Any appeal to the Board of Commissioners must be taken within thirty (30) days from the date of the decision of the Planning Board.

- 3.9 The approval of a final plat pursuant to the regulations adopted under this article shall not be deemed to constitute or affect the acceptance by the County or the public of the dedication of any street or other ground, public utility line or other public facility shown on the plat, for the purpose of maintenance.

- 4.0 The Planning Director or his designee shall have the authority to certify plat compliance with the Brunswick County Subdivision Regulations.

#### Section II-4 Major Subdivision Procedure

##### 4.1 Sketch Design Plan

- A. Prior to submitting a preliminary plat, the subdivider is required to prepare a sketch design plan of the proposed subdivision, and schedule a meeting with the Planning Director or his designee to discuss the proposal. At this meeting, the subdivider should explain the proposed design, answer questions about it, and advise the Planning Staff of any proposed variations from these Subdivision Regulations. This procedure does not require application or fee.
- B. The sketch design plan should be drawn to a minimum scale of approximately one (1) inch to one hundred (100) feet or other standard engineering scale, and should show:
1. Streets rights-of-way public or private.
  2. Other rights-of-way and easements.
  3. Lot lines, water courses, buildings, etc.
  4. Sites, if any, for schools, churches, parks, etc.
  5. Site data:
    - (a) Acreage in tract.
    - (b) Approximate acreage of public use, including streets.
    - (c) Total number of lots proposed.
  6. Sketch vicinity map showing relationship between subdivision and surrounding area with S.R. numbers.

##### 4.2 Preliminary Plat

- A. The subdivider shall submit fifteen (15) paper print copies and, if available, drawing exchange file, i.e., DWG or DXF format to the county's computer system, of the preliminary plat to the Planning Department for review by the Planning Board. The Subdivision Administrator may consult with the Technical Review Committee of the Planning Board at any time for all or part of the necessary review. The Subdivision Administrator shall check the preliminary plat for compliance with this section and Article III, Brunswick County Subdivision Ordinance, and any other requirements of the Zoning Ordinance.

When a subdivision is to be developed in stages, a master plan shall be submitted for the entire development including a master utility plan. A final plat shall be submitted for each stage. The final plat shall be

submitted within eighteen (18) months after approval of the preliminary plat; otherwise, the preliminary plat shall become null and void, unless an extension of time is applied for and granted by the Planning Board.

- B. The preliminary plat shall be at a minimum scale of one hundred (100) feet to one (1) inch or larger. The preliminary plat will show at a minimum the following and other information as may be required by staff or the Planning Board:
1. Proposed name of subdivision.
  2. The location of existing and platted property lines, streets, water courses, railroads, transmission lines, sewers, bridges, culverts, and drainpipes, and approximate location of water mains, city and county lines (if adjoining), and any public utility easement.
  3. Boundaries of tract shown with bearings and distances.
  4. Wooded areas, marshes, and any other conditions affecting the site.
  5. Names of adjoining property owners or subdivisions.
  6. Zoning classifications both on the land to be subdivided, and on adjoining lands.
  7. Proposed streets, public or private, with widths.
  8. Other proposed rights-of-way or easements such as drainage with locations, widths, and purposes.
  9. Proposed lot lines, lot and block numbers, and approximate dimensions.
  10. Proposed minimum building setback lines by zoning district.
  11. Contour map from quadrangle maps or County aerial maps, as available.
  12. Proposed parks, school sites, or other public open space.
  13. Title, date, north point, and graphic scale.
  14. Name of owner and subdivision designer and subdivision designer's address. Rev.02/06/06
  15. Site Data:
    - (a) Acreage in total tract.
    - (b) Acreage of open space.
    - (c) Average lot size.
    - (d) Total number of lots.
    - (e) Linear feet in streets.
    - (f) Approximate delineation of wetlands by Corps of Engineers or certified designee.
  16. Sketch vicinity map showing relationship between subdivision and surrounding area with S.R. numbers.
  17. A Traffic Impact Analysis (TIA) must be completed prior to the submittal of any preliminary plan that will generate more than one hundred (100) vehicle trips during the peak hour or one thousand (1000) total new daily trips based on most recent trip generation rates by the Institute of Traffic Engineers (ITE). The TIA shall be

prepared in accordance with scoping standards and guidelines set forth by the North Carolina Department of Transportation (NCDOT) and Brunswick County.

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- C. The preliminary plat shall be checked against the design standards and plat requirements of these regulations by the Brunswick County Planning Staff. The Planning Director may consult with the Technical Review Committee and shall provide the following agencies an opportunity to review and make recommendations concerning the proposed subdivision plat before it is submitted to the Planning Board.
  - 1. The District Engineer of the N.C. Department of Transportation as to proposed streets, highways, and drainage system.
  - 2. The Geographic Information staff.
  - 3. The County School Superintendent and Board of Education as to proposed school sites.
  - 4. The Director of Engineering Services may review the plat and comment on land use suitability based on soil conditions with respect to drainage, utility easements, erosion hazards, apparent flood plains, and other pertinent points.
  - 5. The Brunswick County Director of Economic Development as to proposed industrial and commercial development.
  - 6. County Public Utilities Director for review.
  - 7. Such other agencies and officials as the Planning Staff may deem necessary or desirable.
- D. The subdivider, developer, or agent, shall meet with the Technical Review Committee to discuss the preliminary plat which is to be considered. The Technical Review Committee shall discuss with the subdivider, developer, or agent, changes deemed advisable, and the kind and extent of improvements to be made.
- E. The Planning Board shall approve, disapprove, or table the preliminary plat. The Planning Board can also approve with conditions.
  - 1. Approval of the preliminary plat is authorization for the subdivider to proceed with the construction of improvements once all other state and county requirements are met.



2. If the Planning Board should disapprove the preliminary plat, the reasons for such action shall be stated and recommendations made on the basis of which the proposed subdivision would be approved. The developer may appeal the decisions of the Planning Board to the Board of Commissioners.

#### 4.3 Final Plat

After the improvements shown on the approved preliminary plat have been installed, or guaranteed, for the whole or portion of a subdivision, the applicant shall submit a final plat of the area covered by such improvements. The final plat shall be prepared by a land surveyor registered to practice in North Carolina, and such registration shall be notarized on the final plat. All final plats to be recorded by the Brunswick County Register of Deeds shall be probated and shall conform to the provisions for plats, subdivisions, and mapping requirements set forth in G.S. 47-30 as amended, and the Standards of Practice for Land Surveying in North Carolina.

- A. The subdivider shall submit fifteen (15) paper print copies, if available, drawing exchange file, i.e., DWG or DXF format to the county's computer system, of the final plat of the Planning Department for review by the Planning Board. The Subdivision Administrator may consult with the Technical Review Committee of the Planning Board at any time for all or part of the necessary review. The Planning Director shall check the preliminary plat for compliance with this section and Article III, Brunswick County Subdivision Ordinance, and any other requirements of the Zoning Ordinance.

Upon approval by the Planning Director, the final plat shall be accompanied by a check made payable to Brunswick County to cover costs associated with final plat review and filing costs. The fee shall be seventy-five dollars (\$75.00) plus five dollars (\$5.00) per lot.

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- B. The final plat shall be drawn at a minimum scale of one hundred (100) feet to one (1) inch or larger, on a sheet size of eighteen (18) inches by twenty-four (24) inches, suitable for recording in the Register of Deeds Office and in conformance with G.S. 47-30, as amended. The final plat shall conform substantially to the preliminary plat as approved and shall constitute only that portion of the approved preliminary plat which the subdivider proposed to record and develop at the time.

C. The final plat will show at a minimum the following and any other information that may be required by staff or the Planning Board:

1. The name of the subdivision.
2. The lines and names of all streets and roads.
3. Lot lines and lot numbers.
4. Minimum building setback lines.
5. All reservations, easements, alleys, and any areas to be dedicated to public use or sites for other than residential use with notes stating their purpose and any limitations.
6. Sufficient data to determine readily and to reproduce on the ground, the location, bearing, and length of every street line, whether curved or straight, and including suitable north reference. This should include the radius, center angle, and curved property lines that are not the boundary of curved streets.
7. All dimensions should be to the nearest one-hundredth (1/100) of a foot and angles to the nearest minute.
8. Accurate location and description of all monuments and stakes.
9. The names and locations of adjoining unsubdivided property.
10. Title, date, name, and location of subdivision, and graphic scale.
11. The ratio of precision as calculated by latitudes and departures before adjustments, must be shown.
12. Name of owner(s) and of Registered or Professional Land Surveyor and of Registered or Professional Land Surveyor's address. Rev. 02/06/06
13. Sketch vicinity map showing relationship between subdivision and surrounding area.
14. Evidence of approval by letter from the N.C. Department of Natural Resources and Community Development, Division of Water Quality, for all community or public sewage systems and by the N.C. Department of Human Resources, Division of Health Services, for all community or public water systems.
15. Proposed deed restrictions or similar covenants, if any.
16. Evidence of approval of soil erosion, storm drainage, and sedimentation control by appropriate agency.
17. All roads must be either acceptable to DOT or a property owners association established.
18. Other information considered to be pertinent to review final plats by the Planning Staff.
19. Show Flood Zone area on plat.
20. Surveyed delineation of wetlands.

21. The following certificates, where applicable, shall be placed on the final plat:

- (a) I (We) hereby certify that I am (we are) the owner(s) of the property shown and described hereon which was conveyed to me (us) by deed recorded in Book \_\_\_\_, Page \_\_\_\_, and that I (we) hereby adopt this plan of subdivision with my (our) free consent, establish the minimum building lines, and dedicated all streets, alleys, walks, parks, drainage-ways, and other open spaces to public or private use as noted. Further, I (we) certify that the land as shown hereon is within the Subdivision Regulation jurisdiction of Brunswick County.

\_\_\_\_\_  
Owners(s) /Date

- (b) I, \_\_\_\_\_, certify that this plat was drawn under my supervision from (an actual survey made under my supervision) (deed etc.) (other); that the boundaries not surveyed are shown a broken lines plotted from information found in Book \_\_\_\_, Page \_\_\_\_, that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, registration number, and seal this \_\_\_\_ day of \_\_\_\_\_, A.D., 19\_\_.

\_\_\_\_\_  
Surveyor

\_\_\_\_\_  
Registration Number

Seal or Stamp

- (c) I, \_\_\_\_\_, Registered or Professional Land Surveyor, certify to one or more of the following:

- a. That the survey creates a subdivision of land within the area of a county or municipality that has an ordinance that regulates parcels of land;
- b. That the survey is of an existing parcel of land.
- c. That the survey is of another category, such as recombination of existing parcels, a court-ordered survey, or other exception to the definition of subdivision;
- d. That the information to the surveyor is such that the surveyor is unable to make a determination to the best of his/her professional ability as to provisions contained in (a) through (c) above.

\_\_\_\_\_  
Registered or Professional Land Surveyor

- (d) Certification that private streets and roads meet the construction standards of this ordinance, signed by the subdivider's engineer or surveyor.

- (e) Public subdivision streets and roads Construction Standards Certification signed by the District Highway Engineer.
- (f) I hereby certify that the subdivision as depicted hereon has been granted final approval pursuant to the Brunswick County Subdivision Regulations.

\_\_\_\_\_  
Chairman, Brunswick County                      Date  
Planning Board

Approval expires if not recorded on or before \_\_\_\_\_ (date) and must be resubmitted for reapproval.

- (g) I hereby certify that streets, utilities, and other improvements have been installed in an acceptable manner and according to County specifications in the subdivision entitled \_\_\_\_\_ or that a security bond or irrevocable letter of credit in the amount of \$\_\_\_\_\_ have been posted with Brunswick County to ensure the installation thereof.

\_\_\_\_\_  
Planning Director    /Date

- D. In order for the Planning Director or Planning Board to approve the final plat, all of the above certificates must be properly signed and dated.
- E. If the final plat is in compliance with the ordinance, the Planning Director shall approve the final plat. This approval shall be noted on the original and three (3) copies of the final plat. The original shall be returned to the subdivider. One (1) copy shall be transmitted to the Brunswick County Department of Engineering, one (1) copy shall be transmitted to the Brunswick County Health Department, and one (1) copy shall be retained for the permanent files of the Planning Board. The approval is authority for the subdivider to record the subdivision plat and to begin the sale of lots.

Any final plat shall be recorded with the Register of Deeds, within six (6) months from the date of approval by the Planning Director or the Planning Board.

If the final plat is not recorded within this period, it shall expire. The plat may be resubmitted for review and it shall be reviewed against the ordinance in effect at that time.

- F. No final plat shall be approved until all improvements are installed or meet the requirements set forth below, all required fees have been paid, and certificates required by this ordinance to appear on the final plat have been properly filled out and signed.

- G. If the final plat is denied by the Planning Director, the applicant may appeal the decision to the Planning Board. The applicant shall notify the Planning Director in writing of his/her intent to appeal, within *ten (10)* days of the denial. The Planning Director will place the appeal on the next available Planning Board agenda.

If the final plat is denied by the Planning Board, the applicant may appeal to the Board of Commissioners. Any appeal to the Board of Commissioners must be taken within thirty (30) days after the decision of the Planning Board is filed in the Planning office, or after a written copy of the decision is mailed to the appellant by registered mail return receipt requested, whichever is later.

Such appeal shall be for the Board of Commissioners to determine if the Planning Board correctly applied the subdivision ordinance to the subdivision request.

- H. If the final plat is not in compliance with these regulations, the reasons for disapproval and conditions to be met before the planning staff or Planning Board will approve the final plat shall be noted on two (2) copies of the proposed final plat. One (1) copy shall be returned to the subdivider and one (1) copy shall be retained for the Planning Board's records. The subdivider will be given six (6) months to submit a revised final plat. If the revised final plat is not received by the planning staff within six (6) months, the approved preliminary plat shall be null and void.
- I. Where the required improvements have not been completed prior to the submission of the final plat, the Planning Board may accept from the subdivider a bond with surety or other guarantees satisfactory to the County in an amount equal to one hundred and twenty-five percent (125%) of the cost of the installation of the required improvements, whereby improvements may be made and utilities installed without cost to the County in the event of default by the subdivider. One of the methods described in Chapter 3, Section II-4.4 may be used by the subdivider to guarantee the installation of said improvements.
- J. The approval of a final plat pursuant to regulations adopted under this article shall not be deemed to constitute or affect the acceptance by the County or the public of the dedication of any street or other ground, public utility line, or other public facility shown on the plat. Public roads must be accepted by NC DOT.

#### 4.4 Improvement Guarantees

##### A. Agreement and Security Required

In lieu of requiring the completion, installation, and dedication of all improvements prior to final plat approval, the County may enter into an agreement with the subdivider whereby the subdivider shall agree to complete all required improvements, with the exception of electric utilities. Once said agreement is signed by both parties and the security required herein is provided, the final plat may be approved by the Planning Board, if all other requirements of this ordinance are met. To secure this agreement, the subdivider shall provide, subject to the approval of the Director of Engineering Services, either one (1) or a combination of the following guarantees not exceeding one hundred and twenty-five percent (125%) of the entire cost as provided herein:

##### 1. Surety Performance Bond(s)

The subdivider shall obtain a performance bond(s) from a surety bonding company authorized to do business in North Carolina. The bonds shall be payable to Brunswick County and shall be equal to, either alone or in combination with any other surety discussed in this section, to a total amount equal to one hundred and twenty-five percent (125%) of the entire cost, as estimated by the subdivider and approved by the Director of Engineering Service, of installing all required improvements, with the exception of electric utilities. The duration of the bond(s) shall be until such time as the improvements are accepted by the County of Brunswick.

##### 2. Security

The subdivider shall deposit an irrevocable letter of credit, or other instrument readily convertible into cash at face value, either with the County or in escrow with a financial institution designated as an official depository of the County.

The amount of the deposit shall be equal to, either alone or in combination with any other security discussed in this section, to a total amount equal to one hundred and twenty-five percent (125%) of the cost, as estimated by the subdivider and approved by the Director of Engineering Services of installing all required improvements, with the exception of electric utilities. If cash or other instrument is deposited in escrow with a financial institution as provided above, then the subdivider shall file with the Director

of Engineer Services an agreement between the financial institution and himself guaranteeing the following:

- (a) That said escrow account shall be held in trust until released by the Planning Board and may not be used or pledged by the subdivider in any other matter during the term of the escrow; and
- (b) That in the case of failure on the part of the subdivider to complete said improvements the financial institution shall, upon notification by the Planning Board and submission by the Planning Board to the financial institution of an engineer's estimate of the amount needed to complete the improvements, immediately either pay to the County the funds estimated to complete the improvements, up to the full balance of the escrow account, or deliver to the County any other instruments fully endorsed or otherwise made payable in full to the County. (See Appendix B)

3. Certification of Electric Utilities

A written statement by the utility company, authorized to serve the subdivision, stating their commitment to install electric utilities with projected completion dates may be accepted in lieu of guarantees set forth in paragraphs A-1 and A-2 of this section.

B. Default

Upon default, meaning failure on the part of the subdivider to complete the required improvements in a timely manner as spelled out in the performance bond or escrow agreement, then the surety, or the financial institution holding the escrow account shall, if requested by the Planning Board, pay all or any portion of the bond or escrow fund to Brunswick County up to the amount needed to complete the improvements based on an engineering estimate. Upon payment, the Planning Board, in its discretion, may expend such portion of said funds as it deems necessary to complete all or any portion of the required improvements.

C. Release of Guarantee Security

The Planning Board may release a portion of any security posted as the improvements are completed and recommended for approval by the Director of Engineering Services. If the Planning Board approves said improvements, then it shall immediately release any security posted.

- D. The County shall require a bond guaranteeing utility taps, curbs, gutters, sidewalks, drainage facilities, water and sewer lines, and other improvements against defects for one (1) year. This bond shall be in the amount determined by the Director of Engineering Services and shall be made by a surety company authorized to do business in North Carolina.
- E. The Planning Board shall secure from all subdividers a letter in which said subdivider shall agree to maintain the backfill and improvements located thereon and therein and any ditch or drain tile which has been dug or installed in connection with the installation of such improvements. Such letter shall be binding on the subdivider for a period of one (1) year after acceptance of such improvement by the County Planning Board.

The subdivider shall notify the buyer of the nature, extent, and location of these improvements and shall include such notice as a part of the written sales transaction. Likewise, the subdivider shall also retain responsibility for maintenance of such improvements on all such lands until sale thereof is made.

#### 4.5 Resubdivision Procedures

For any replatting or resubdivision of land, the same procedures, rules, and regulations shall apply as prescribed herein for an original subdivision submittal.